

Doc. No. 4814

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an ORDER OF TAKING dated **OCT 9 1986** relating to portions of the South End Urban Renewal Area, Mass. R-56, be executed together with a Plan entitled, "Boston Redevelopment Authority, South End Urban Renewal Area, Project Mass. R-56, Boston, Suffolk County, Massachusetts, Delivery Parcel Plan, Parcels SE-74, SE-75, SE-76, SE-77 and SE-113, dated January, 1986," and made a permanent part of these proceedings, a copy of which the Secretary shall cause to be recorded in the Office of the Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority:

Robert L. Farrell
Joseph J. Walsh
James K. Flaherty

Clarence J. Jones
Michael F. Donlan

A true copy

ATTEST:

Kare Surman

Secretary of the Boston Redevelopment Authority

October 14, 1986

Terry:

SE Order/Taking for
doc. book.

When Ralph returns
SE 109 to me, I'll give
you a copy.

Beverlee

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, in accordance with G.L. c. 121B and its predecessor Statute G.L. c. 121, adopted and filed in the Suffolk County Registry of Deeds, Book 8056, page 295, an ORDER OF TAKING, dated June 30, 1966, concerning and describing the SOUTH END URBAN RENEWAL AREA, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof; and

WHEREAS, the Boston Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G.L. c. 79, § 40.

NOW, THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c. 121B, and all other authority thereunto enabling and pursuant to the applicable provisions of said c. 79, and of any and every power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain, for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in ANNEX A, together with any and all easements and rights appurtenant hereto, including the trees, buildings and other structures standing upon or affixed thereto, and including the fee, if any, in all public streets highways and public ways in said area or areas or contiguous and adjacent to the property taken hereby, provided such

fee is a part of said property, except any and all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto.

AND FURTHER ORDERED that i accordance with the provisions of said c. 79, as amended, awards are made by the Boston Redevelopment Authority for damages sustained by the owner or owners and all other persons, including all mortgagees of record, having any and all interest in each parcel described in ANNEX A and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the award at any time prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in ANNEX B, which ANNEX B is not to be recorded in the Registry of Deeds with the Order of Taking.

AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of Takint to be recorded in the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

DATED: OCT 9 1986 BOSTON REDEVELOPMENT AUTHORITY

By:

Robert L. Farrell
James P. Walsh
Clarence J. Jones
Michael J. Gould

ATTEST:

Klaus Furman
Secretary of the Boston Redevelopment Authority

Approved as to form:

Ralph F. Cahill
Ralph F. Cahill, Assistant General Counsel

ANNEX A

BOSTON REDEVELOPMENT AUTHORITY

SOUTH END URBAN RENEWAL AREA

TAKING AREA DESCRIPTION

The following parcels of land are taken by this Order of Taking:

Boston Redevelopment Authority Parcels SE-74, SE-75, SE-76, SE-77 and SE-113, as shown on a plan entitled, "Boston Redevelopment Authority, South End Urban Renewal Area, Project Mass. R-56, Boston, Suffolk County, Massachusetts, Delivery Parcel Plan, Parcels SE-74, SE-75, SE-76, SE-77 and SE-113, prepared by C. E. Maguire, Inc., Waltham, Mass., dated January, 1986, which plan is recorded herewith. These parcels are bounded and described as follows:

Beginning at the point of intersection of the westerly sideline of Clarendon Street and the southerly sideline of Warren Avenue, thence running S20°-16'-20"E by said westerly sideline of Clarendon Street one hundred and no hundredths (100.00) feet to the point of intersection of said westerly sideline of Clarendon Street and the northerly sideline of a 20-foot passageway;

thence turning and running S69°-43'-40"W by said northerly sideline of said 20 foot passageway one hundred twenty-five and no hundredths (125.00) feet to a point, said point being on the easterly boundary of land now or formerly of the City of Boston;

thence turning and running N20°-16'-20"W by said land now or formerly of the City of Boston one hundred and no hundredths (100.00) feet to a point, said point being on the southerly sideline of Warren Avenue;

thence turning and running N69°-43'-40"E by said southerly sideline of Warren Avenue one hundred twenty-five and no hundredths (125.00) feet to the point of beginning.

Containing an area of twelve thousand five hundred (12,500) square feet, more or less.

Meaning and intending to convey, and hereby conveying, all that land shown as Parcels SE-74, SE-75, SE-76, SE-77 and SE-113, on said plan by CE Maguire, Inc., containing an area of twelve thousand five hundred (12,500) square feet more or less.

Also meaning and intending to convey, and hereby conveying, all right, title and interest in and to a twenty-foot common passageway extending along the southerly sideline of the land described above, said passageway also being shown on said plan by C. E. Maguire, Inc.

Also meaning and intending to extinguish, and hereby extinguishing, certain rights and restrictions in prior deeds of certain of the subject parcels, specifically, provision of rights-of-way to the abutting parcels in a common covered passageway across the rear of Lots A, B, C and D, as shown on plan by S. C. Ellis, dated November 7, 1889, recorded with Suffolk Deeds, Book 1914 at the end; provision of a rear door size limitation on said Lots A, B, C and D; and provision that portions of Lots B and C not be built upon and be forever kept open to the sky for light and air.

The owners of the parcels hereby taken are unknown.

ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

SOUTH END URBAN RENEWAL AREA

AWARD OF DAMAGES

No awards are made with this Order of Taking.

MEMORANDUM

October 9, 1986

4 O/T
Doc # 4814

TO: Boston Redevelopment Authority and
Stephen Coyle, Director

FROM: Ricardo A. Millett, Assistant Director of Neighborhood
Housing and Development
Margaret Brown, Assistant General Counsel

SUBJECT: South End Urban Renewal Area Project No. Mass
R-56 Confirmatory Order of Taking for Parcels
SE-74 to SE-77 and SE-113 located at 4-18 Clarendon
Street and 72 Warren Avenue

SUMMARY: Request for Confirmatory Order of Taking for
4-18 Clarendon Street and 72 Warren Avenue
in the South End Urban Renewal Area.

On September 9, 1986 the Authority gave final designation to H & D Development and Renaissance Properties the redeveloper of the above-referenced parcels. To develop these vacant buildings H & D Development and Renaissance Properties formed a partnership, 4-18 Clarendon Street/72 Warren Avenue Limited Partnership ("The Partnership"). The parcels at 4-18 Clarendon Street and 72 Warren Avenue consist of 4 four-story brick buildings and a three story brick buildings on approximately 12,433 square feet of land. The Partnership will develop a mixed income residential condominium project with ground floor commercial uses.

Since the time of final designation, the Authority and the Partnership have been working together to complete conveyance of the parcels. Since conveyance is now imminent, a confirmatory Order of Taking is needed to ensure delivery fo clear title.

It is therefore requested that the Authority adopt the attached Confirmatory Order of Taking for Parcels SE-74 to SE-77 and SE-113.



